

Meeting of 2006-7-25 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JULY 25, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                      Also Present:  
Presiding                      Greg Buckley, Assistant City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Mayor Purcell, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two  
   Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
   Jeff Patton, Ward Six  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF THE MONTH TO PAT BECK.

Sharon Means, Mayor s Commission on the Status of Women, presented the award for the Citizen of the Month for July to Pat Beck. Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, and a Certificate of Commendation from the Mayor s Office.

Ms. Beck thanked the Mayor s Commission on the Status of Women and the City Council.

REPORT FROM MUSEUM OF THE GREAT PLAINS

John Hernandez, Executive Director of the Museum of the Great Plains, stated the attendance figures for the museum for the past fiscal year indicate that they have had close to 20,000 people visit the museum which included over 5,000 children. More than 1,000 Lawton residents took advantage of their free admission on Sunday. They received visitors from over 14 different countries. They hope to have the Intermodel Transportation Center Museum in place in 2007.

Haywood questioned what would be on exhibit next month.

Hernandez stated they will have an exhibit that will honor Douglass School in conjunction with their reunion. It deals with the integration of Douglass School into the Lawton Public School system. The art of Mr. Leo Moore will be on display.

AUDIENCE PARTICIPATION:

Don Hunt, Wichita, Kansas, stated he is trying to obtain a building permit for the new Pizza Hut at 2311 NW Cache. He was told he had a revocable permit on the agenda tonight but he did not see one. He has been in contact with the License and Permit center every day and he thought the item would be on tonight.

Mayor Purcell stated staff would have to check.

Richard Rogalski, Planning Director, stated during the rezoning the owner was made aware that a revocable permit would be needed but the owner was slow in applying for the permit and that is why it is not done. This item is still in the process.

Buckley stated the application goes through the Planning Division, License and Permit Division, and also goes to all the utility companies as well as Engineering Division for review. It must also go to the City Planning Commission.

Mayor Purcell stated staff will be in touch with the architect and provide a status.

Bill Wallace, 1507 SW 7<sup>th</sup> Street, stated the City Council has planned to use CDBG funds for the 2<sup>nd</sup> Street revitalization. He feels that those funds should be used for the whole community. It is their money that they are spending. He is also concerned about the curbing on SW 7<sup>th</sup> Street. He has not heard from the Streets Division about this issue. If they will give him specifications on the curbing, he will put in his own.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF MAY 16, MAY 18, AND MAY 23, 2006.

MOVED by Givens, SECOND by Jackson, to approve the Minutes of May 16, May 18 and May 23, 2006. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated they need to strike item #4 and requested items #2 and #9 be considered separately.

MOVED by Warren, SECOND by Shoemate, to approve the Consent Agenda items as recommended with the exception of items #2, #9 and #4 being stricken. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Carl & Crystal Reed in the amount of \$1,298.73 (**Resolution No.125**), Charles & Chau Webb in the amount of \$2,046.45 (**Resolution No.126**), Elaine Garcia in the amount of \$199.32. Exhibits: Legal Opinions/Recommendations.

2. Consider the following damage claims as recommended for denial: Kathleen Reynolds in the amount of \$90.00, Mark Hass in the amount of \$325.00, William R. Allen in the amount of \$935.92, James and Andrea Speegle in the amount of \$50.29. Exhibits: Legal Opinions/Recommendations.

Robert Thompson, 7038 SW Winchester, stated he is in attendance representing Mark Hass. Mr. Hass has since sold the property. His home was flooded with backwash of sewage and he has records that stated the city flushed the lines and resolved the problem. On this date, five homes were damaged. They have had a problem in the area. He stated one of the city workers told him the line was smaller than average.

Vincent stated there is no question that the damage did occur and the amount of the damage is \$325. There has been no stoppage with this particular pipe segment and when the crew reported on May 2<sup>nd</sup> and flushed the line, they did not find an obstruction in that particular pipe segment that the claimant is hooked onto. Since the city did not have prior knowledge of a problem with the line, they recommended denial.

Haywood questioned why Mr. Hass did not contact his council person.

Mr. Thompson stated he was just notified two days ago and he has spent that time gathering information.

Haywood stated when the council knows about these problems they can address these issues.

MOVED by Patton, SECOND by Warren, to approve the claim of Mark Hass in the amount of \$325.00. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

William R. Allen, 1715 SW 47<sup>th</sup> Street, stated he received denial on his claim. He had damage done to his vehicle south of Lee on the west side of the street. A company was mowing grass and he did not notice the damage until later. When he saw the damage he went to the area and asked an officer who is responsible for mowing the area. He was told to contact the Parks and Recreation Department. He was told by that department to file a claim. He just wants to know who is responsible for that area so he contact them and get reimbursed for his deductible.

Vincent stated there are two crews that mow in that area, Parks and Recreation and Street Division. Staff does not know who was mowing up by the Korean Church. It was a private contractor, not the city. He has memos from Gerald Catlett, Parks and Recreation, stating he had no crew in that area and from Dave Tracey, Street Division, stated they had no crews in the area the day of the incident. He stated it had to have been a private contractor.

Haywood stated we subcontract on 38<sup>th</sup> Street.

Jackson stated we do not subcontract on 38<sup>th</sup> Street.

Mr. Allen stated it was adjacent to the street, not in the field. It was so close that the rock missed his windshield by inches. He just assumed it had something to do with the city.

Haywood stated Mr. Allen told him they were mowing in the bar ditch.

Vincent stated that should have been the Street Division in that area, but staff states there were no crews in the area at that time.

Shanklin questioned if Mr. Allen had the car repaired.

Mr. Allen stated he paid his deductible which is \$500, and that is all he is asking for.

Jackson stated Mr. Allen came to his business and spoke with him about this incident and after calling the necessary staff, he concluded that the city is not responsible and he cannot vote to spend public money on something that we did not do. He knows this would be nice to give him his deductible back, but we did not do it.

Shanklin stated about fifteen years ago they had a back up in Almore West and staff swore that there was never anything in the sewer line and he went out there and the man had a back yard full of black water. This is kind of an insurance program because we have paid these people when they have had an accident.

Haywood stated that some time these things happen and no one knows about it.

MOVED by Haywood, SECOND by Shanklin, to approve the claim of William R. Allen in the amount of \$500.00 and all related documents. AYE: Patton, Haywood, Drewry, Shanklin, Purcell. NAY: Warren, Shoemate, Givens, Jackson. MOTION CARRIED.

MOVED by Warren, SECOND by Jackson, to deny the claims of Kathleen Reynolds in the amount of \$90.00 and James and Andrea Speegle in the amount of \$50. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

3. Consider releasing the mowing and clearing lien against the property located at 1302 SW Park Avenue. Exhibits: Letter from Habitat for Humanity and letter from Don Smith, Attorney for Joseph Maranto.

4. Consider adopting a resolution to rescind Resolution No. 06-39, which declared the property at 1214 NW Columbia Avenue dilapidated. Exhibits: Resolution 06-\_\_\_\_.  
**THIS ITEM WAS STRICKEN.**

5. Consider approving contracts for the Co-Sponsorship Grant Program through the Arts and Humanities Division. Exhibits: Contracts on file in City Clerk's office.

6. Approval for Arts & Humanities Division to accept the Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2006-07. Exhibits: None.

7. Consideration of Grant Agreement with the Federal Aviation Administration in the amount of \$864,500 for the reconstruction of general aviation aircraft parking apron for Lawton Ft. Sill Regional Airport. Exhibits: Grant Application.

8. Consider extending the Consultant Agreement with Rebecca Zittle, Center for Educational Evaluation and Research (CEER) for a period of six (6) months, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Copy of Consultant Agreement.

9. Consider renewing the Consultant Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Current Consultant Agreement with attached Statement of Work to be performed.

Bill Dirks, 1902 NW 18<sup>th</sup>, stated he has been lead to believe that the City of Lawton gives all of the monies collected by hotel/motel tax to the Lawton Fort Sill Chamber of Commerce who in turn hires a lobbyist for the Lawton/Fort Sill community. He questioned why the City would pay for an additional lobbyist.

Mayor Purcell stated this is the same lobbyist. He not only works with the Chamber on economic development, but he also works with the City of Lawton. The City of Lawton pays part of his fee, the Chamber pays a portion and a

private agency agency also pays a portion.

Givens stated this is not paid through hotel/motel tax monies.

Shanklin stated he has never seen anything from this lobbyist or the state lobbyist.

Givens stated they send a report every week through email.

MOVED by Givens, SECOND by Jackson, to approve the renewal of the Consultant Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the agreement. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

10. Consider awarding a construction contract to Miller Construction & Sons, Inc. for the NE Maine Waterline Improvement Project #2006-2. Exhibits: None.

11. Consider entering into a Retainer Agreement for Professional Services with Mountain Commercial Graphics, for expert design production, and installation of vinyl vehicle wraps for Stormwater Mitigation Program and authorize the Mayor and City Clerk to execute the document. Exhibits: Professional Services Agreement.

12. Consider a request from Habitat for Humanity to waive the water and sewer impact fees on three properties described as: Lots 1-3, Block 69, Lawton Heights Addition; Lots 4-5, Block 69, Lawton Heights Addition; and Lots 6-8, Block 69, Lawton Heights Addition, pursuant to Sections 22-2-2-222 and 22-3-14-391, Lawton City Code, 2005. Exhibits: Letter of request.

13. Consider approving the record plat for Wyatt Village Addition, Part One, and accepting the improvements, maintenance bonds, escrow agreement in lieu of completed improvements, and easements outside the platted area. Exhibits: Plat Map. Easements, Escrow Agreement and Maintenance Bonds are on file in City Clerk s Office.

14. Consider awarding (RFPCL06-063) Non-Exclusive Concession Operation Agreement- Portable Outdoor Ice Rink to Ice Challenge Enterprises, LLC of Oklahoma City, OK. Exhibits: Department recommendation, abstract of proposals, agreement as specified with the RFP, map of proposed location of concrete pad within Elmer Thomas Park.

15. Consider extending the contract (CL04-072) Rear Suspension Repair with Loden Spring & Suspension, Inc. of Wichita Falls, TX. Exhibits: Department Recommendation, Contract Extension Form.

16. Consider approving appointments to boards and commissions. Exhibits: None

17. Consider approval of payroll for the period of July 3 - 16, 2006. Exhibits: None.

#### OLD BUSINESS ITEMS:

18. Hold a public hearing and adopt a resolution declaring the structure at 1202 W. Gore Blvd to be a dilapidated public nuisance, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Letter from John Zelbst , Resolution No 06-\_\_\_\_; Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Tony Griffith, Neighborhood Service Supervisor, presented photographs of the property comparing photos taken of the property six months ago and current photos. The structure was brought before the City Council on January 10, 2006.

Shanklin stated he thought they had all agreed to put this item off until the August meeting. He received a letter from Mr. Zelbst.

Mayor Purcell stated the item had to be on the agenda tonight because a notice of public hearing had been published. After they open the public hearing, if the Council desires, they may continue the public hearing until the next meeting. He stated he relayed this to Mr. Zelbst.

Vincent stated the public hearing was advertised for this date. The City Council has three choices, one is to open the public hearing and continue it to August 8<sup>th</sup>, as Mr. Zelbst requested, open the public hearing, hear the comments from the public, close the public hearing and continue to August 8<sup>th</sup> or go through the public hearing, hear comments and take action.

Shanklin questioned what would have happened if they had not had a quorum.

Vincent stated the item would have automatically been tabled to the next meeting.

Griffith stated the property owner has done some repairs during the past six months. He did have a professional roofing crew work on the roof, but the building continues to leak. The job is not complete. Other than that, there has been no progress.

#### PUBLIC HEARING OPENED.

Bill Dirks, 1902 NW 18<sup>th</sup> Street, stated Mr. Mansell and Mr. Zelbst stated back in January that they would only need six more months and they did not follow through on their promise to the City Council. They could have raised and built new structures in that time. He grew up in Chicago and he has seen slum lords take better care of their property. He does not see why the City Council would continue this any further.

Tom Rheinlander, 5108 NW Cherry, stated he addressed the City Council regarding this matter last January. Over the past eight months, the property owner has had the opportunity to do something significant and it is a blight to our city. The end result of all the supposed time, money and work is no visible progress having been made. The property is in worse shape now than it was eight months ago. He stated his daughter came into town last night and drove through Lawton for the first time in two years and she was really surprised with the improvements she saw, especially on Gore Boulevard from 2<sup>nd</sup> to 17<sup>th</sup> Streets. She asked what was wrong with the 1200 and 1300 block and if the owner was from out of town and did not care. He had to tell her that it was owned by someone in town. He stated Mr. Mansell said that there were people waiting to lease the property. He has seen no one interested in leasing that property. The whole city of Lawton is waiting for improvements to be made to that property. The truth is that it is not going to happen. He believes it is now time for Mr. Mansell to get the same treatment and get a notice from the City of Lawton that we are going to do something. He stated Mr. Zelbst has known of the meeting date for six months and he could have had someone else from his office show up to defend the points. He does not think the City Council should postpone any action tonight.

Dr. Susie Cash, 1604 NW 80<sup>th</sup>, stated she is the Minister at First Presbyterian Church, and she believes this is far more than just a property issue. She believes it is an issue of a community that steps up and does not allow this dysfunction to continue. She also believes it is an issue of elected officials representing the entire community and not the interest of someone who is indeed important and influential in the community. She stated they know what the right thing is to do.

Rosemary Bellino-Hall, 21 NW 38<sup>th</sup> Street, stated she is here as a private and very angry citizen. She read the definition of dilapidation and blight. She stated the property is a blight on this community and the people of this community are sick and tired of being considered the armpit of SW Oklahoma. A community cannot prosper and grow unless it is a quality place to live. Today's businesses depend on young, well-trained professional people. Young people today look beyond the job at a quality place to live and the appearance of the community is one of the amenities they look at. The community depends on elected officials to do what is in the best interest of this community.

Shanklin stated he is probably the nemesis in Mr. Mansell's side and even though he ran around with him since 1946, he still has blight in everything he owns. He gave Mr. Zelbst his word that he would agree to postpone for two weeks. What is going to happen is the city is going to take this case to district court and the judge will decide. He made a bet with Mr. Zelbst that he Mr. Mansell would do nothing and nothing has been done on that property in six months. He is going to go with the council if they postpone this or want to do this tonight and get it into district court. It is going to be several more years before this thing ever comes about.

Warren stated he told Mr. Zelbst that he didn't have a problem postponing it if that is what the council wants to do, but he also hoped that something would have been done. He wants to make sure that everyone knows he is for condemning this property but there will be no bulldozers sitting out there tomorrow morning. This will not happen quickly.

Jackson stated he does believe we are in for a long haul with this property. He also believes it will eventually be put on the D&D list, but he gave Mr. Zelbst his word that they would table the issue for two weeks and that is what he intends to do. If it comes back in two weeks, he does intend to put it on the D&D list and move through the court system. He is not going to go back on his word to Mr. Zelbst to delay the process for two weeks.

Drewry questioned what two weeks would do. Nothing has been done up to this point.

Jackson stated this was the request of his attorney.

Givens stated Mr. Zelbst misrepresented things when he told him that other council members said they were going to do things. He did not accurately report the conversation he had with other council members. He told him personally that he would not support any continuance and he did not think it was fair to have the people come to

the meeting and there was no way to get a hold of them to tell them this would be continued.

Jackson stated he did not want to argue this point, but he does believe this thing will happen.

MOVED by Jackson, SECOND by Haywood, to continue the public hearing and table any action to August 8, 2006. AYE: Jackson, Patton, Haywood. NAY: Shanklin, Warren, Shoemate, Givens, Drewry. MOTION FAILED.

Mr. Rheinlander stated that in the future, when something like this happens, let the public know so that they have some knowledge before they come to the meeting that there is a chance that no action will be taken. He stated he would like to see the letter of Mr. Zelbst. He requested that the council take some action.

Jackson gave Mr. Rheinlander the letter out of his agenda packet from Mr. Zelbst.

Mr. Dirks stated if they don't take action on this property, he does not see how they can take action against any other property owner. They have given Mr. Mansell more time than they have given anyone else.

Shanklin stated that is simply not true.

Rose Lepien, owner of Aaragon Chiropractic Clinic, 1201 W. Gore, stated she has had the opportunity to look at this property every day for the last five years as has her staff and patients. She stated she has spent a lot of money and energy upgrading her clinic and tearing down a dilapidated home next to her clinic. It would mean a lot to her and her patients if the surrounding area would be upgraded as well.

PUBLIC HEARING CLOSED.

Jackson stated that there is no council member that is self serving, they are public servants that do what is right for the community. He stated he did make a promise to Mr. Zelbst that he would make the motion to table the issue, that motion was defended.

MOVED by Jackson, SECOND by Shanklin, to approve **Resolution No. 06-128** and declare the structure at 1202 W. Gore and all the property included in the resolution to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: Haywood. MOTION CARRIED.

19. Hold a public hearing and adopt a resolution declaring the structure at 524 S.W. G Avenue to be a dilapidated public nuisance, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate the nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove the dilapidated structure, if necessary. Exhibits: Resolution No 06-\_\_\_\_. Legal Opinion, summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Griffith presented photographs of the property comparing photos taken of the property six months ago and current photos. The structure was brought before the City Council on June 13, 2006. The titleholder currently has a remodel permit. He stated there is no change to the front part of the structure. Debris has been taken down from the side of the building, but the structure is unsecured. Rubble has not been removed from the property.

Jackson clarified that Mr. Reese does have a current remodel permit.

Griffith stated he obtained a permit in early May which is good for six months.

Vincent stated this issue was brought up at a previous meeting and the question asked by the City Council is if that current remodel permit affects the ability of the Council to declare the building dilapidated. Legal Opinion 06-03 was issued to the council members on May 25 which indicated that it does not affect the ability to declare it dilapidated. If the dilapidated resolution is passed, the permit for remodel would turn from a regular remodel permit to a remodel permit under dilapidation with all the time limits appropriate.

Shanklin stated he had a call and was told this was Hog Woods home.

Vincent stated he had a memo from the Lawton Historical Preservation Commission who met on May 11, 2006. Mr. Reese did approach the Commission saying that he thought this was Hog Woods house. Dr. Musslewhite, the Chairman of the Commission, stated there was not enough evidence to show that. There was evidence to show that Hog Woods had bought the property during the lottery, but there was no evidence to show that the house was his, so they would not declare it historic. The Commission wanted the City Council to address the dilapidation issue before Mr. Reese would be allowed to file an application for formal declaration. He stated that Mr. Reese has said he had no intention of spending any of his own money, but he was going to seek donations and ask for philanthropists to come in and rehab the house for him.

Haywood stated he asked Mr. Reese about this property. There is a storm shelter in the back of the building and the doors were unsecured.

Griffith stated there is a storm shelter that is open. Staff does give a certain amount of leeway with the property being unsecured if the owner is working on the house. The home should not be left wide open during this time when kids are out of school. It could present a safety concern.

PUBLIC HEARING OPENED.

Tony Reese, 803 NW Seaton Place, stated the first time he appeared before the City Council he just saw the notice on the door that day. The next meeting he had before the City Council was last month in June. He considers that his first meeting to prepare what he wanted to say. He told the City Council that he planned to tear down part of the structure and save the original house. He thought it had the possibility of being Hog Woods house, but he did not know for sure. When he tore down part of the structure he called the City to get a dumpster. He was put on the list in June and he just got a call yesterday that a dumpster was available and was delivered today. He has been waiting on a dumpster to get rid of all that he had torn off the home. He stated he is trying to get something accomplished. He stated Debra Jones was at the Historic Preservation meeting and she told him that she felt they could not do anything because he was on the demolition list and that is why they did not want to proceed.

Vincent stated the Historic Preservation ordinance and the state statute says that once a property is place on the historic preservation list is has to go through several hoops if it becomes dilapidated before it will be demolished. Because the council was already in the process of taking action on dilapidation, he felt the council should make a decision whether the property is or is not dilapidated.

Mr. Reese questioned why he would be denied the opportunity to make application with the Historic Preservation Commission if his property is not on the D&D list.

Vincent stated Mr. Reese had already been notified that the structure was being considered for dilapidation by the City Council. When he received the phone call, the City Council had already taken action to table to July. The issue had already been to the council before he made that call.

Mr. Reese stated it has never been declared dilapidated.

Vincent stated that is correct, but the council was in the process of a hearing on the structure at the time the question came up. He stated Dr. Musslewhite did not want to accept an application until the council made a determination. That is in the minutes of the Commission meeting.

Mr. Reese stated there was no hesitation from anyone on the Commission, the hesitation came from Ms. Jones, who is staff.

Givens stated the real facts are that Mr. Woods got all the property during the lottery in August 1901. He was dead by March 1902, so it would be difficult for him to have built and lived in a house that probably wasn't built until ten years after that. He stated Dr. Musslewhite called him this afternoon and said that the Commission was not interested in this property and he did not want it to be misrepresented that they were.

Jackson stated that they need to look at what they do have as facts. Mr. Reese has been issued a remodel permit for this piece of property. If the council declares this property dilapidated, he still holds a remodel permit. Mr. Reese has a right to make progress in the remodeling of this property as long as it is being inspected by staff. He stated it is hard to get a dumpster at this time and he knows this is what has happened.

Givens stated he believes that this City Council would be personally liable if they do not declare this property to be dilapidated and a nuisance. He visited the property on Friday and it was wide open. There was a refrigerator in the home that someone could have climbed into. It is an invite for someone to be injured and the city is going to be personally liable if they do declare it a nuisance.

Haywood questioned why Mr. Reese did not board up the doors.

Mr. Reese stated he has not boarded them up because if someone wanted to get it they could just kick those doors open.

Haywood stated he would rather have someone kick it open rather than leave it wide open.

Mr. Reese stated he did not expect it to take thirty days to get a dumpster.

Mayor Purcell stated if the council should declare the property dilapidated, they go on the thirty day schedule. He

questioned if he was correct in assuming that if Mr. Reese makes substantial progress, then they can eventually take it off the dilapidated list and he could make application for the historic registry.

Vincent stated the permit was issued in early May and was only good for six months. If the council declared the property dilapidated, the permit would turn into a dilapidated permit which is basically a ninety day permit. City Council has the authority to extend a dilapidated permit and not a normal remodel permit. The council could also rescind the resolution.

Mr. Reese stated this does not help him. Now the property has a cloud hanging over it that it is dilapidated. If he does not complete his remodeling, then the council can put it on the list when his permit expires.

Vincent stated under the current permit, he still has to bring it up to code.

Mr. Reese stated if he could get it under the historical code he can preserve it the way it is.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 06-129** and declare the structure at 524 S.W. G Avenue to be dilapidated and a public nuisance and request that the structure is boarded up as soon as possible either by Mr. Reese or the City of Lawton staff. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Shanklin. NAY: Jackson. MOTION CARRIED.

20. Consider adopting a resolution to amend the Schedule of Fees and Charges for Youth Sports. Exhibits: Proposed Resolution on File with City Clerk.

Kim Shahan, Parks and Recreation Director, stated this is old business related to the youth sports schedule of fees. On June 27<sup>th</sup>, the City Council, directed staff to review this item. A citizens committee was formed with representation from Fort Sill, Parks and Recreation Department, Lawton Public Schools, City Council and City Manager. The discussion was in reference to how much to charge for softball, baseball, football and volleyball. The committee is recommending a 20% increase every year for five years. Baseball, softball and basketball is currently \$65 per team, this would be an increase to \$78 per team. Football is currently at \$85 and would be raised to \$102 per team. Volleyball would go from \$40 to \$60.

Drewry clarified this would be an increase of 20% every year for five years.

Shahan stated the increase would be brought back to Council every year.

Mayor Purcell questioned if this went to Parks and Recreation Commission.

Shahan stated the Parks and Recreation brought a recommendation to the City Council on June 27<sup>th</sup>. At that particular meeting the Council reviewed the recommendation and wanted the issue to be looked at again by a special committee. This is the recommendation of that citizens committee.

Mayor Purcell questioned if the recommendation from the citizens committee ever went to Parks and Recreation Commission.

Shahan stated that is not what he was directed to do.

Jackson stated he helped organized that committee. The impression of the council regarding the increase recommended by the Parks and Recreation Commission was that it was too much of an increase. Rather than kill the whole proposal he and council members Haywood and Shoemate agreed to put together the necessary people who should have some input in the decision. The idea was to try to increase the participation levels of youth sports activities and look at if the increase of those fees would have a negative impact on participation levels. The committee agreed to reduce the recommendation of the Parks and Recreation Commission to 20% and have the annual increases of 20% come back to the Council on an annual basis.

Shahan stated there was a Parks and Recreation Commission meeting last night and the recommendation was presented to the Commission and there were no objections.

Jackson stated this was such a great committee and he looks for future things regarding parks and recreation to be developed out of this group.

MOVED by Drewry, SECOND by Patton, to approve **Resolution No. 06-130**. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

Mayor Purcell requested that item #28 be stricken off the agenda.



## NEW BUSINESS ITEMS:

21. Hold a public hearing and consider an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with Planned Unit Development overlay district located approximately at 8902 NW Cache Road. Exhibits: Ordinance No. 06-\_\_.

Richard Rogalski, Planning Director, stated on May 23, 2006 the City Council adopted Ordinance No. 06-16 changing the zoning of property located at approximately 8902 NW Cache Road from Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with a Planned Unit Development overlay district (St. James Apartments). Title 11, Section 14-106, Oklahoma Statutes requires brief gists of rezoning ordinances to be published in a local newspaper within 10 days of adoption. The brief gist for this ordinance was not published with the other brief gists of ordinances adopted on May 23. Therefore, the ordinance is not valid and must be re-approved by the City Council.

Only the ordinance changing the zoning of the property must be re-approved. Resolution No. 06-93 adopted by the City Council on May 23 amending the 2025 Land Use Plan from Agriculture to Residential/High Density for this property is valid.

Notice of public hearing was mailed on July 5, 2006 to five property owners within 300 feet of the requested area, and proper notice was published on July 9, 2006 in *The Lawton Constitution*.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Patton, SECOND by Haywood, to approve **Ordinance No. 06-47**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-47

An ordinance changing the zoning classification of the tract of land which is hereinafter more particularly described in Section 1 hereof from the existing classification of Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with a Planned Unit Development Overlay District; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1410 NW 23<sup>rd</sup> Street. Exhibits: Resolution 06-\_\_, Ordinance 06-\_\_, Location Map, Site Plan, Applications, CPC Minutes.

Rogalski stated this request is for Lot 25, Block 6, Stephens Addition, Part 1, and measures approximately 60' x 180'. Mr. Pope has a contract to purchase this lot contingent upon the rezoning to C-1 being approved. The property owner, Bobby Mansell, has signed the application along with Mr. Pope. Mr. Pope proposes to expand his parking lot for the Chick-Fil-A restaurant.

The zoning of the surrounding area is R-1 to the north and east, C-1 and C-5 (General Commercial District) to the south, and C-1 and R-1 to the west. The land use of the surrounding area is single-family residential to the north and east, commercial (Chick-Fil-A restaurant) to the south, and single-family residential and commercial (Pizza Hut) to the west. The applicant proposes to enlarge the Chick-Fil-A restaurant by enclosing the current playground to provide more seating for customers and therefore needs additional parking. City records indicate that the existing structure on this lot has been cited as a dilapidated structure and efforts have been made to have the property owner correct the situation. However, the structure remains dilapidated.

Mr. Pope is aware that a minimum of 6-foot opaque screening would be required on the north property line. He does not plan to place additional lighting on this lot. At the building permit phase, Lots 22 - 25 would be required to be tied together with a deed restriction that the lots not be sold separately to ensure the restaurant would have sufficient parking spaces.

On June 22, 2006 the City Planning Commission held a public hearing on this request. One person spoke in favor of the request. The CPC, by a vote of 7 - 0, recommended approval of the request.

PUBLIC HEARD OPENED.

David Pope, applicant, stated this will allow them to gain 21-22 additional parking spaces. They will remove the house from the property which has not been occupied for eleven years.

PUBLIC HEARING CLOSED.

MOVED by Shoemate, SECOND by Jackson, to approve **Resolution 06-131** and **Ordinance No. 06-48**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-48

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 1410 NW 23<sup>rd</sup> Street, which is more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

23. Consider awarding a construction contract to Bruton Construction Co., Inc. for the NW Hunter Road & NW 72<sup>nd</sup> Street Reconstruction Project #2005-16 and authorizing additional funding. Exhibits: None.

Ihler stated in February of 06 the City Council approved plans and specifications which authorized staff to go out for bids on the NW Hunter Road and NW 72<sup>nd</sup> Reconstruction Project.

Staff went out for bids in April of 2006. Staff received two bidders, Bruton Construction and T&G Construction, both of Lawton. The low bid at that time was Bruton Construction with a concrete alternative. Staff bid the project with two alternatives, one concrete and one asphalt alternative. The low bid back in April was Bruton Construction for \$571,148 and at that time staff brought it to Council and the Council chose to reject the bids and direct staff to go back out and re-advertise. During that time frame staff had sent notices to 29 construction contractors. The engineering division followed up with those notices and contacted probably ten of those by telephone encouraging them to bid the project. Bids were opened on June 11, 2006 and staff received two bids again. One from Bruton Construction and one from T&G Construction. The low bid was Bruton Construction in the amount of \$644,133 for a concrete alternative. The second low bid was T&G for an asphalt alternative for \$694,629. Basically, the City Council has four alternatives. 1) award Bruton Construction the project for the concrete alternative at a cost of \$644,133, 2) award to T&G with the asphalt alternative for just under \$700,000, 3) award to T&G with the concrete alternative, that bid was \$750,311 or 4) reject bids and go out and advertise again. Basically there is \$600,000 that was established for the funding when the project was originally set up. There are funds available in the 2005 CIP street improvement under the local street repair area. The Council could transfer in funds if they chose to go with anyone other than the low bidder. Staff's recommendation was to go ahead and award to the low bidder. There are concerns about the time frame. Staff's recommendation was based on the fact that it was the low bid and in the area of Hunter Road and 72<sup>nd</sup> Street, if there is a problem with the time frame, the residents in that area would still be able to have access to their property off of Quanah Parker Trailway.

Patton stated that this is in his ward. The first time it came up to bid he recommended that the Council reject all bids. What has happened is we got the same two bidders and it was 12-15% higher. He stated this area is really pretty bad and it really needs to be addressed. He stated he is going to recommend that the Council award the contract to T&G Construction for the concrete alternative #1. He knows it is more expensive than what was budgeted, but he felt like if we do the concrete, it is going to be more money, but it is going to be less maintenance in the long run and we won't have the time frame issue.

Vincent stated from a legal standpoint it is certainly within the council's prerogative to award other than the low bidder, but they must state on the record, why they are awarding to the second low bidder.

MOVED by Patton, SECOND by Warren, to award the contract to T&G Construction for the concrete alternative #1 because the past experience with the low bidder's work is that the work has not been done in a timely fashion, that on other projects they are in liquidated damages, and in order to expedite the process, the higher bidder should be awarded the contract.

Shanklin questioned where they were going to get the additional money?

Mayor stated there is a motion on the floor by Mr. Patton to award this contract to T&G construction for alternate #1 concrete and a second by Mr. Warren.

Ihler stated they have \$600,000 appropriated for this specific project and approximately \$400,000 for local street repairs that was set aside as a contingency in case the 38<sup>th</sup> Street project bid came in higher.

Patton stated the drainage there is terrible and he does not take this lighthearted by going with this higher bid.

Jackson stated he very much respected Mr. Patton's ward and his eloquent speech, but taxpayers all over Lawton are the ones who are having to pay the difference with this contract. He cannot go for spending an additional \$106,000 for this project. It just doesn't make sense. He realizes that Mr. Bruton is slow, but his work is excellent,

therefore he is going to vote against this issue.

Patton stated he feels if you would ask those who are directly affected by it, he believes they would probably say it would be worth it.

Jackson suggested they turn this into a TIF District and work it out of the additional property taxes.

Patton stated he does understand and appreciates what Mr. Jackson is saying but they are talking about a neighborhood road where school is about to start and residents are going to be in and out of their houses. This is not just a trivial thing, if he didn't think it wasn't warranted, then he certainly would not have suggested it.

Shanklin questioned if this could get done before school starts?

Patton stated he doubted it, but he could guarantee that it wouldn't be finished by the time school was out if they go with Bruton, and that is his only concern. He knows Bruton does good work, but he thinks his constituents deserve timely service.

Warren stated he supports Mr. Patton and his ward and in his mind there are really only two options. He does not want to reward Bruton with any contracts because of the experiences we have had in the past, so that just leaves asphalt versus concrete, and in that area with the drainage they've got, if we put an asphalt road in there, it is not going to last more than maybe five to ten years at the most and then we are going to be right back where we started again. The only two options are to have staff just overlay it, which is not going to solve the problem but it is going to be a lot cheaper than doing the concrete or do the concrete, do it right, be done with it. That is the reason he is going to support it.

Drewry stated that she believes that the taxpayers in her ward would rather spend more money. She has had all kinds of calls today saying they did not want Bruton doing any more work. He does a great product once it is finished, but it just takes too long.

Shoemate stated he would personally rather have gravel than Bruton. He has been through this over around his neighborhood now for about three years. He has have had to detour taking kids to school for three years.

VOTE ON MOTION: AYE: Warren, Shoemate, Givens, Drewry, Shanklin, Patton, Haywood. NAY: Jackson. MOTION CARRIED.

24. Consider approving a Resolution establishing a moratorium on entering into new agreements for the sale of water outside of city limits. Exhibits: Resolution 06-\_\_.

Vincent stated his office is responsible for monitoring outside water sales contracts. Within the last two weeks they have had two separate groups pick up applications for outside water sales contracts. They have not filed those applications nor have they paid the fees. He stated with the current water situation and lake levels, the question before the City Council is if they want to continue to expand the sales of water outside the city limits based solely on the availability on the raw material they have to work with. We are running out of raw material at least for the temporary time. He added in the resolution, until the water availability situation stabilizes. He does not want people to come in and pay their money for the application and then bring it to council and we cannot serve them.

Ihler presented slides of Lake Lawtonka as it stands today with the lake levels. There is a maximum pool elevation that they are allowed to keep Lake Lawtonka which is 2.2 feet down from the top. If they do have wet years they are allowed to open the gates and release water. They have not done that in a long time. At elevation 1340 they have the voluntary restriction of outside water usage, which is stage one of the conservation policy. Currently the elevation is 1335.91 feet. They have been in the voluntary stage for almost a year. Stage two will kick in at elevation 1334 which is mandatory and stage three will begin at elevation 1330.

Vincent stated these are at current usage levels without adding any additional outside customers. They have been approached by one housing addition with about 400 houses on the west side. It would be serviced by a rural water district which would have to expand their connection. The resolution states they cannot expand the system.

Shanklin questioned where this addition was located.

Vincent stated west of Goodyear, north of Lee Boulevard.

Shanklin questioned if the infrastructure has even began.

Vincent stated no.

Patton stated they are talking about BRAC and all of these people coming in. He questioned if we are going to have a water problem.

Vincent stated we have a lot of infrastructure inside the city limits that can be developed. We have to service those folks if they are building a housing addition inside the city limits.

Patton questioned if we had enough space inside the city limits to accommodate that kind of growth.

Ihler stated as long as we are able to continue to pump and they are able to supply. If we do not get any rain in the next couple of years, even with pumping, in March 2009 we will be in trouble.

Patton questioned at what point would they be able to lift the moratorium. Is there a level that they could sell again.

Vincent stated he cannot speak for the City Manager, but they both felt remiss if they did not bring this issue to the City Council. When the lake level started approaching the levels to get out of the voluntary stage, which would be three or more feet of lake level at Lawtonka, they would approach the City Council and rescind the resolution. They may be looking at five to seven years of weather like we have now.

Shanklin stated he brought up this issue last December.

Vincent stated that is when they started looking at this issue.

Shanklin questioned what they were saying. Are they not going to accommodate these requests until we have water.

Vincent stated this would state that the City Council would not entertain any new outside water sales contracts or amended outside water sales contracts that would require an increase of capacity until we get a handle on the water situation. Part of this may be resolved by the bypass line that is under design.

Ihler stated that would not change as it relates to the water being pumped.

Vincent stated he is not advocating a position one way or another. The City Council may wish to table this for 60 days.

Jackson questioned what would happen if someone asks for annexation.

Vincent stated if they were granted annexation they would be inside the city limits and the moratorium would not apply to them. This moratorium only applies to sales outside the city limits.

Mayor Purcell questioned when the Southeast Water Treatment Plant is supposed to be on line.

Ihler stated they are looking at January of 2009.

Shanklin stated we used 19 million gallons of water this past year. You take off those big users and we are using about 13 millions for the citizens of Lawton for somewhere around 90,000 people. If we add 10% of the 13 million, that is how much water you use.

Ihler stated he would have to look at it closer.

Givens stated they would need to be prepared for the highest usage, not the average.

Ihler stated the treatment capacity is based on max day. Typically the max day is 1.8 times the average.

Shanklin stated we better be able to add 15,000 people with what we have right out there at Medicine Park, but we have been flim-flammed.

MOVED by Shanklin, SECOND by Haywood, to table for 60 days. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

25. Consider renewing the City of Lawton s contractual agreement with the Lawton-Fort Sill Chamber of Commerce and Industry and conduct a general discussion regarding the terms and conditions of the current contractual agreement for the purpose of evaluating the agreement and take appropriate action as deemed necessary. Exhibits: Contract for Tourism and Economic & Industrial Development Service Agreement (FY 2005-2006) between the City of Lawton & the Chamber of Commerce Amendment #1 to current Contract Agreement extending termination Sample Agreement between the City of Sand Springs & Sand Springs Area Chamber of

Commerce Letter of recommendations to the City of Sand Springs regarding their current Agreement from Crawford & Associates, P.C.

Givens stated he would like to recommend that they go with the agreement that they have had in the past. He does not think that particular agreement has been followed to the tee. It is strong enough and gives them the ability of the City Auditor to check receipts if someone questions the expenditures of hotel/motel tax monies. They just need to enforce it a little more. He believes the sample agreement from Sand Springs was a little to nitpicky.

MOVED by Givens, SECOND by Shanklin, to renew the City of Lawton s contractual agreement with the Lawton-Fort Sill Chamber of Commerce and Industry. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: None. ABSENT: Patton. MOTION CARRIED.

26. Consider adopting an Ordinance amending Section 17-1-3-124, Lawton City Code, 2005, by defining procedures for filling a position when the contingent job offer is rescinded, providing for severability and declaring an emergency. Exhibits: Ordinance 06-\_\_.

Jim Scholes, Human Resources Director, stated this ordinance gives staff a little more continuity. This gives staff written guidelines when a contingent job offer is repealed or withdrawn. This lets staff use the existing pool without delaying the filling of those positions. This does not occur very often.

Givens stated he would like to see it noted in the commentary that staff has taken this item before the Employee Advisory Committee and if they approved or rejected the issue.

MOVED by Jackson, SECOND by Drewry, to approve **Ordinance No. 06-49**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-49

An ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton City Code, 2005, by defining procedure and places a time limit on the rescinding of a job offer, providing for severability and declaring an emergency.

27. Consider amending Section 17-1-7-171, Lawton City Code, 2005, to incorporate language in the references to City Council Policy 3-1, sexual harassment, and Policy 3-3, harassment, providing for severability and declaring an emergency. Exhibits: Ordinance 06-\_\_.

Scholes stated while reviewing Chapter 17, it was brought to their attention that the harassment ordinance did not refer to more recent changes to City Council Policy.

MOVED by Patton, SECOND by Haywood, to approve **Ordinance No. 06-50**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-50

An ordinance pertaining to Personnel Policies and Procedures amending Section 17-1-7-171, Division 17-1-7, Article 17-1, Chapter 17, Lawton City Code, 2005, by expanding the conduct which would be subject to disciplinary action, providing for severability and declaring an emergency.

28. Consider approving the proposed placement of City of Lawton job titles within grades in the previously approved job classification categories. Exhibits: Job categories with job titles and suggested grade placements.

THIS ITEM WAS STRICKEN.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin questioned why apartment owners had to have commercial tags on their vehicles when they go to the landfill.

Vincent stated they need an indication on the vehicle that it is being hauled by a truck coming from the apartment. He met with the apartment owners at an Apartment Owners Association meeting and they were satisfied with having a commercial sign on the side of the vehicle.

Haywood thanked Councilmember Givens for all his help with the Douglas reunion program and all that he has

done for African-Americans in this town. He thanked the Mayor for attending the conference at Galilee Baptist Church.

Ihler stated he just needed to correct a statement that was made at the last meeting. Shanklin questioned when staff would start construction on 52<sup>nd</sup> Street and he reported it would be fall 2007. He stated that is actually 38<sup>th</sup> Street that would start at that time. It will be summer 2008 before 52<sup>nd</sup> Street will be started.

Mayor Purcell reminded everyone that Lawton s 105<sup>th</sup> Birthday party will be on Saturday, August 5<sup>th</sup> at 7:00 p.m. in the Library Plaza.

Mayor Purcell stated in 2005 the City Council passed the Impact Fee ordinances, one for water and one for sewer. The Council gave him guidance that the committee be appointed once the fund reached \$250,000. When he discussed this with the City Manager and City Attorney, they discovered that a committee was outlined in each ordinance. He does not think that is the intent of the council. When the City Manager brought the fees to the City Council, he assumed there would be one pot of money for water and sewer impact fees and the City Council would decide where this money would be spent. It is now written that money collected under water impact fees could only be spent on water projects and sewer impact fees could only be spent on sewer projects. As of now, the water impact fund is \$149,396 and the sewer fund is \$113,925. He requested some guidance from the Council to fix this. Direction needs to be given to the City Attorney so he can bring back an ordinance in August on how this should be handled.

Warren questioned if they could be brought back with changes to both ordinances that would create one committee and that all the money goes into a single fund. He believed that was the intention of the Council.

Givens stated he thought he was voting on the combined fund and committee.

Vincent stated he can fix this and bring in back on the last meeting in August.

The entire City Council agreed that this should be done.

Mayor Purcell stated he received a letter from Steve Barnes requesting the City Council increase the impact fee committee membership to add more builders and developers. He stated the letter is on Lawton Homebuilder s Association letterhead but he did not sign it as the president. He called Ron Nance, the new president of the Association to find out if this was a request by the Association. Mr. Nance told him that this request came from Steve Barnes and was not the official position of the Lawton Homebuilder s Association. He spoke with Mr. Barnes who told him this was his official position, but a lot of people agree with him. He questioned if the City Council would like to expand the oversite committee.

Shanklin stated he did not have time to look at the request.

Vincent stated they cannot spend the money on anything other than water and sewer.

Mayor Purcell stated Mr. Barnes requested it be spent on roads, parks and other infrastructure.

Warren stated they may be better off waiting until there is something to really consider.

Patton questioned if they were geographical changes.

Mayor Purcell stated in the original ordinance the oversite committee would be made up of one member from the Homebuilder s Association, one member from the Chamber, one active land developer, two members from the City Council, the Public Works Director and one member from a financial institution. Mr. Barnes is suggesting that they put four developers in the group.

He stated he is hearing that the City Council would like to bring back the original changes and disregard Mr. Barnes request and consider it at a later date.

The entire City Council agreed.

The Mayor and Council convened in executive session at 8:47 p.m. and reconvened in regular, open session at 8:55 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a case pending before the Oklahoma Supreme Court, Helderman, et al. vs. Wright, et al., Case No. 100, 709; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 29 shown above. He said the Council did discuss possible action to be taken by the City of Lawton in support of the Wright side and the Oklahoma Municipal League.

MOVED by Jackson, SECOND by Drewry for authorization to assist OML in research and as necessary to complete brief amicus curiae and or to be signatory in support on the brief. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:57 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK